

REMARKS/ARGUMENTS

In the Final Official Action, claims 1-11 and 13-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over SARFATI (U.S. Patent No. 6,970,960 B1) in view of LILLEVOLD (U.S. Patent No. 6,230,284 B1).

Claims 1-11 and 13-34 are currently pending for reconsideration by the Examiner. Claim 12 was previously cancelled.

In the Final Official Action, claims 1-11 and 13-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over SARFATI in view of LILLEVOLD. With regard to each of the independent claims 1, 16, 22-23, and 27-34, the Final Official Action asserts that SARFATI discloses most of the features recited therein, primarily citing SARFATI's Figures 13A-13B (together with the corresponding description); column 2, lines 32-52; and column 5, lines 30-67. (See Final Official Action, pages 2-3.)

However, the Final Official Action acknowledges that SARFATI fails to disclose a second program selector operable to select, as a program to be executed, a program that is of the same type as the currently executed program, in the case where abnormal termination of the currently executed program is detected by the program monitor (apparently referring to the text of independent claim 1 as an exemplary claim that is considered to be representative of all of the independent claims). (See Final Official Action, page 3.) Nevertheless, the Final Official Action asserts that LILLEVOLD discloses these features, citing LILLEVOLD's column 4, lines 60-67, and column 2, lines 30-40, and concludes that independent claims 1, 16, 22-23, and 27-34 were obvious. (See Final Official Action, page 4.)

Applicants respectfully traverse the rejection of claims 1-11 and 13-34 under 35 U.S.C. § 103(a) as being unpatentable over SARFATI in view of LILLEVOLD. Applicants respectfully

submit that the specific combination of features recited in each of the independent claims would not have been obvious to one of ordinary skill in the art at the time of the invention, in view of SARFATI and LILLEVOLD.

More specifically with regard to independent claim 1, Applicants submit that neither SARFATI, nor LILLEVOLD, nor the combination thereof, disclose or render obvious at least the provision of independent claim 1 that explicitly recites: *a second program selector operable to select, as a program to be executed, a program that is of the same type as the currently executed program, in the case where abnormal termination of the currently executed program is detected by said program monitor* (emphasis added).

As discussed above, the Final Official Action acknowledges that SARFATI fails to disclose a second program selector operable to select, as a program to be executed, a program that is of the same type as the currently executed program, in the case where abnormal termination of the currently executed program is detected by the program monitor. (See Final Official Action, page 3.)

In order to remedy this deficiency of SARFATI, the Final Official Action asserts that LILLEVOLD discloses these features, citing LILLEVOLD's column 4, lines 60-67, and column 2, lines 30-40. (See Final Official Action, page 4.) However, a close inspection of the cited sections of LILLEVOLD, particularly when read in their proper context of the overall disclosure of LILLEVOLD, reveals that LILLEVOLD does not disclose the selection and execution of a second program that is of the same type as the currently executed program, to be executed where the abnormal termination of the currently executed program is detected. In distinct contrast, LILLEVOLD discloses that the corrective action taken by LILLEVOLD is to have the computer revise, fix, or patch the existing crashed program, but not to select and execute an entirely

different program that is of the same type as the currently executed program, as recited in independent claim 1.

More specifically, LILLEVOLD's column 4, lines 57-61, states: "In some embodiments, the microprocessor 80 executes the application program; detects the occurrence of an error in the execution program; and after detection of the error, automatically initiates corrective action to revise the application program" (emphasis added).

Additionally, the Examiner's attention is particularly drawn to LILLEVOLD's column 2, lines 17-34, that states:

When the crash occurs, in some embodiments, the crash handler program 16 causes the computer 10 to automatically initiate corrective action to revise the program 14.

In this context, the term "corrective action" may include any action the computer undertakes to revise, fix or "patch" the program 14 so that the error does not reoccur. For example, the computer 10 may automatically contact another computer 12 (a server computer coupled to the Internet, for example) and transmit information (described below) about the crash to the computer 12. Based on this information, the computer 12 may identify the error(s) that caused the crash and use this identification to search its file directory for revision program code 11 that, once installed on the computer 10, prevents reoccurrence of the crash.

If the revision program code 11 exists, the computer 10 may download a copy of the code 11 from the computer 12 and install the revision program code 11. (emphasis added)

As shown above, LILLEVOLD does not disclose the selection and execution of another program, of the same type as a currently executed program, when the currently executed program experiences an abnormal termination. Instead, LILLEVOLD teaches that when a crash of an application program 14 occurs, that a computer 10 undertakes corrective action to revise, fix, or patch the application program 13. Thus, LILLEVOLD's corrective action involves transmitting information about the crash to another computer 12, identifying the error that caused the crash, and then downloading revision program code 11 to computer 10 to revise the existing application program 14 to prevent reoccurrence of the crash.

Accordingly, LILLEVOLD teaches the use of corrective action to revise or repair the original failed application program, but does not teach the provision of a second program of the same type as the first failed application program to be executed in place of the first application program. In other words, LILLEVOLD discloses an entirely different form of corrective action than that explicitly recited in independent claim 1.

For at least the reasons discussed above, Applicants respectfully submit that the specific combination of features recited in independent claim 1 would not have been obvious to one of ordinary skill in the art at the time of the invention, in view of SARFATI and LILLEVOLD. Additionally, Applicants submit that related independent claims 16, 22-23, and 27-34 are also patentable for at least the reasons similar to the reasons discussed above regarding independent claim 1, since independent claims 16, 22-23, and 27-34 recited features similar to the features discussed above regarding independent claim 1. Furthermore, Applicants submit that dependent claims 2-11, 13-15, and 24-26, which depend from independent claim 1, and dependent claims 17-21, which depend from independent claim 16, are patentable for at least the reasons discussed above, and further for the additional features recited therein.

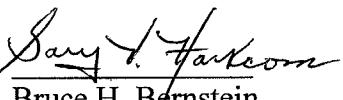
In conclusion, Applicants respectfully submit that claims 1-11 and 13-34 satisfy all of the regulatory and statutory requirements for patentability, for at least the reasons discussed above. Accordingly, Applicants respectfully request that the rejection of claims 1-11 and 13-34 under 35 U.S.C. § 103(a) as being unpatentable over SARFATI in view of LILLEVOLD be withdrawn, and that an indication of the allowability of claims 1-11 and 13-34 be provided in the next Official communication.

SUMMARY

From the remarks and arguments provided above, Applicants respectfully submit that all of the pending claims in the present patent application are patentable over the references cited by the Examiner, either alone or in combination. Accordingly, reconsideration of the outstanding Final Official Action is respectfully requested, and an indication of allowance of claims 1-11 and 13-34 is now believed to be appropriate.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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